

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY JOYNER,

Petitioner,

-V-

DONALD UHLER,

Respondent.

20 Civ. 2874 (JPC) (SN)

ORDER

JOHN P. CRONAN, United States District Judge:

On December 1, 2021, the Court adopted a Report and Recommendation issued by the Honorable Sarah Netburn and dismissed the Petition under 28 U.S.C. § 2254. Dkt. 27. A certificate of appealability will only be granted if Petitioner “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). *See United States v. Perez*, 129 F.3d 255, 259-60 (2d Cir. 1997) (discussing the standard for issuing a certificate of appealability). This Court did not previously grant a certificate of appealability and, because it finds that Petitioner has not sustained this burden, it declines to issue one. Furthermore, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court’s prior Order dismissing the Petition would not be taken in good faith. *See Coppedge v. United States*, 269 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Petitioner and to note service on the docket.

SO ORDERED.

Dated: January 14, 2022
New York, New York

Ther. C.

JOHN P. CRONAN
United States District Judge